

# L A W S

OF HIS MAJESTY

## K A M E H A M E H A I I I . ,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

### NOBLES AND REPRESENTATIVES

AT THEIR SESSION,

1854.

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H O N O L U L U :

PRINTED BY ORDER OF THE GOVERNMENT.

1854.



SESSION LAWS,  
1854.

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AN ACT

RESPECTING THE SCHOOL COMMITTEE OF HONOLULU.

*Approved April 21st, 1854.*

BE IT ENACTED *by the King, Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That, in anticipation of a Bill of Appropriations for the current year, the Minister of Finance is hereby authorized to pay to the "School Committee of Honolulu," or their order, the sum of \$607, being the balance of the amount raised on the local School Tax of Honolulu, in the Treasury on the 31st of March, 1853, but diverted from the original purpose of the tax, by section 2, of the Appropriation Bill of 1854, and therefore remaining unexpended.

## AN ACT

TO PROVIDE FOR THE SPECIAL ELECTION OF THE SCHOOL COMMITTEE OF HONOLULU.

*Approved April 21st, 1854.*

WHEREAS, No election was held for the School Committee of Honolulu, on the last Monday in December last, as provided in Section 2, of "An Act to provide for the education of the children of foreigners, and those of foreign extraction, in the city of Honolulu and other places in the Kingdom;" and whereas that act provides for no election, except on the day aforesaid. Therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. It shall be the duty of the Marshal, the Police Justice of Honolulu, and the Collector General of Customs, to hold a special election for said "School Committee of Honolulu," within ten days from the passage of this Act, at such time and place as the Minister of Public Instruction shall designate, by giving public notice of the same, at least five days previous to the time of said election.

SECTION 2. Said School Committee, when duly elected, shall possess all the powers, and perform all the duties, contemplated in the act aforesaid; and in all cases hereafter, the Committee of this School, when regularly chosen, shall continue in office till their successors are elected.

SECTION 3. This Act shall take effect on the day of its passage.

## AN ACT

APPROPRIATING MONEY FOR THE LEGISLATURE OF 1854.

*Approved, April 21st, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. There shall be set apart by His Majesty's Minister of Finance, out of the Money in the Treasury, the sum of ten thousand dollars, for the expenses of the two Houses of the Legislature, without waiting for the General Appropriation Bill of this year.

SECTION 2. The House of Nobles and the House of Representatives shall be at liberty to draw on the Minister of Finance, at their discretion, for any sums of money, within the amount above specified, to meet their expenses.

AN ACT  
FOR THE RELIEF OF HIS MAJESTY AND THE MEMBERS OF THE PRIVY  
COUNCIL.

*Approved, April 29th, 1854.*

WHEREAS, the appropriation of ten thousand dollars by the Legislature of 1853, for the expenses occasioned by the presence of the small pox on these islands, proved insufficient; and whereas His Majesty and the members of His Privy Council most generously raised on their own responsibility, an additional sum for that object, which sum, with the interest thereon to 1st of May, amounts to (\$20,115 84) twenty thousand one hundred and fifteen and 84-100 dollars. Therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Minister of Finance be, and is hereby authorized to pay, out of any sums now in the treasury, not otherwise appropriated, to the holders of the two notes negotiated by him for the Royal Commissioners of Public Health, and signed by His Majesty and the Members of the Privy Council, the sum of twenty thousand one hundred and fifteen dollars and eighty-four cents, on the first day of May, 1854; and to discharge the signers of said notes from all further liability thereon.

SECTION 2. This act shall take effect from and after the day of its passage.

AN ACT  
FOR THE RELIEF OF THE MINISTER OF FINANCE.

*Approved, May 11th, 1854.*

WHEREAS; the Minister of Finance has allowed upon the Books of the Treasury Department a credit to the Department of War of five thousand dollars in addition to the fourteen thousand dollars, voted for that Department by the Legislature of 1853;

AND WHEREAS the expenditure of this additional sum was necessary for the public defence and the maintainance of law and order, and was in accordance with the Fourth Section of the Appropriation Bill of 1853. Therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That the sum of five thousand dollars set apart by the Minister of Finance on the 6th day of March 1854, for the support of the Department of War, in addition to the appropriation of 1853, be and is hereby appropriated for that object.

## AN ACT

CONFIRMING THE GRANT OF A CHARTER TO THE HAWAIIAN STEAM NAVIGATION COMPANY, PASSED BY THE KING AND PRIVY COUNCIL ON THE 19th DAY OF DECEMBER 1853.

*Approved, May 1st, 1854.*

WHEREAS, an ordinance was passed in the Privy Council on the 25th of July 1851, granting certain privileges to Wm. H. Howard and others in relation to Inter-Island Steam Navigation, and whereas at a subsequent day the following resolution was passed, viz: "Resolved, That the privilege granted to Capt. Howard, which expires on the 30th November 1851 be extended to sixty days from that date, and that thereafter the contract for which he had stipulated be given in the same terms to whomsoever shall first place an efficient steamer of the capacity indicated, in the King's waters, properly equipped for inter-island navigation, and that this resolution be published every week in the Polynesian until further orders;"

AND WHEREAS, neither the said Howard nor his associates did comply with the terms of said ordinance, and thereby forfeited all claims to said privileges;

AND WHEREAS, on the 1st day of August last the following resolution was passed by the Privy Council, viz: "Resolved, That the communications of Mr. Bowlin this day submitted to the Privy Council respecting inter-island navigation be and are hereby referred to Messrs. Wyllie, Bates and Kamehameha, to consider and report upon at their earliest convenience," and at a subsequent day said committee made a report favorable to the grant of privileges prayed for.

IN VIEW, therefore, of the previous action of the Government and of the very great importance of inter-island steam navigation, it is hereby ordained and declared—



BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

ARTICLE 1. The exclusive privilege is hereby granted to Garet W. Ryckman, Emery T. Pease, William A. Lighthall, Perry G. Childs, Richard H. Bowlin, associated under the name and style of the Hawaiian Steam Navigation Company, and their associates and successors, for the establishment of steam navigation between the several ports and Islands of the Hawaiian Kingdom for the term of ten years with the exemptions and privileges granted, or which may be hereafter granted to national merchant vessels, and the same exclusive privilege for the same term is hereby granted to said Company for the tugging or towing vessels in, and out of the Harbor of Honolulu by steam, with the privileges and obligations of a Pilot of Honolulu so far as their steam vessels, or those vessels towed in and out of the Harbor of Honolulu, are concerned.

ARTICLE 2. The said company shall have the privilege of obtaining water from the Government Tanks, free of charge for the term of five years.

ARTICLE 3. The said Company shall have the privilege, for the term of five years, of landing passengers and freight at such of the government wharves as the Harbor Master or Wharfinger may direct when not engaged or occupied by other vessels, and shall be free from all harbor dues or port charges.

ARTICLE 4. All Coal or other materials for the production of steam and all machinery necessary for the use of any of said steamers shall be imported free of duty, and the vessels in which said Coal or other materials or machinery are imported shall be free from tonnage dues, provided they do not take on board any other article of traffic or commerce or any passengers.

ARTICLE 5. The said steamers shall be registered under the Hawaiian Flag, on the oath being taken by the agent of said Company, that he is a Hawaiian subject and that the steamers are the property of said Company, and they shall enjoy all the privileges and be subject to all the laws affecting coasting vessels of this Kingdom.

ARTICLE 6. In order to secure the foregoing privileges the said company shall have employed in said Inter-Island Navigation a new

and substantial steamer, of not less than 350 tons burthen, within twelve months from this date in addition to the steamer "AKAMAI," now employed, and which said company shall keep employed for the said purposes contemplated in this grant, or one equally commodious and safe, and hereafter shall furnish all the steam facilities which the business of the Hawaiian Islands requires, not only for the Inter-Island Communication, but for the tugging and towing in and out of the Harbor of Honolulu.

ARTICLE 7. Said company shall allow these steamers to be pressed into Government service in any emergency calling for the use of the same, the Government paying an adequate and fair compensation for the use of the said steamer or steamers so used, and in the event of the loss of said steamers in such service, to pay to the said company the full value of the same.

ARTICLE 8. Said company shall afford the Government any facilities in their power in carrying on any public improvements of the harbors of the group.

ARTICLE 9. Said company shall carry all persons on official business of the Government free of charge, to and from any port of this Kingdom.

ARTICLE 10. Said company shall carry the public Mails between all the ports and places their vessels visit, and safely deliver the same to the person directed, free of charge, always giving seasonable notice of the time and place of departure.

ARTICLE 11. The Supreme Judicial Court is hereby authorized and empowered on the application of any ten citizens of this Kingdom to revise the rates of passage and freight and fix the same after the expiration of five years, and at such other times thereafter, as said Court may deem proper.

ARTICLE 12. The Supreme Judicial Court is hereby authorized and empowered, on application of any ten citizens of this Kingdom, to revise the rates of tugging and towing by said company in and out of the harbor of Honolulu, and fix the same.

ARTICLE 13. It is hereby expressly understood and declared, that the Supreme Judicial Court of this Kingdom shall have full power to examine and adjudicate on the fulfilment of the terms and conditions and obligations of this grant by said company, and on having due no-

tice of time and place fixed by said Supreme Judicial Court for said examination, and on proof satisfactory to said Court that the terms, conditions and obligations have not been complied with, said Court shall have the power at their discretion to abridge or modify the privileges of this grant, or declare the same forfeit.

A true copy of the Ordinance of Privy Council of Dec. 19, 1853,

LORRIN ANDREWS,

Sec. of Privy Council.

(Signed,)

KAMEHAMEHA.

KEONI ANA.

We agree to the preceding articles, and in testimony of our conformity thereto, we sign this in Honolulu, this 27th day of December, 1853.

GARRET W. RYCKMAN,  
EMERY T. PEASE,  
WILLIAM A. LIGHTHALL,  
PERRY G. CHILDS,  
RICHARD H. BOWLIN.

## AN ACT

TO REGULATE THE RETAILING OF INTOXICATING DRINKS IN THE CITY OF HONOLULU.

*Approved, June 23, 1854.*

*BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:*

**SECTION 1.** That the Minister of the Interior is hereby authorized and empowered to grant, for one year, to any person a license to sell spirituous liquors at retail, without discrimination between bottle and glass licenses, in Honolulu, within the limits prescribed for the year eighteen hundred and fifty three, upon his paying into the public Exchequer, the sum of one thousand dollars, and filing with the Minister of the Interior a Bond in the penalty of one thousand dollars, with at least one sufficient surety, to be approved by said Minister, with the condition now prescribed in Section sixth, of Article 2nd, of Chapter 2nd, of the second Act of Kamehameha III.

**SECTION 2** This Act shall be in operation from and after the first day of July A. D. 1854, and all laws or parts of laws inconsistent herewith, are hereby repealed.

## AN ACT

TO REMEDY THE EVILS RESULTING FROM THE DISQUALIFICATIONS OF  
MAGISTRATES.

*Approved, June 28th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That, when for any cause, any District or Police Justice is legally disqualified to hear and determine any case, civil or criminal, which would by law come under his jurisdiction, the same may be brought, by direct suit or complaint, before any local Circuit Judge of the District in which such District or Police Justice holds office, to be heard and determined by him in like manner as if it had been brought before him by appeal. The same costs shall be charged for the suit as would have been if the suit had been brought before the District or Police Magistrates.

SECTION 2. That, when any party deems himself aggrieved by the decision of any District Justice in any case civil or criminal, and the local Circuit Judge, to whom appeal should be made, is legally disqualified to hear and determine the case, said party may take an appeal direct to the Supreme Court, or to the Circuit Court of the district in which he resides, upon conforming to the conditions upon which appeal may be taken to a local Circuit Judge at Chambers.

SECTION 3. This act shall take effect from and after the day of its passage.

## AN ACT

TO REMOVE ALL DISABILITIES OF ALIENS BY REASON OF NOT OBTAINING CERTIFICATES OF NATIONALITY.

*Approved, June 28th, 1854.*

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled.

SECTION 1. All disabilities of aliens by reason of not obtaining Certificates of Nationality, shall be, and the same are hereby removed.

SECTION 2. Any objections that may be made to the validity of any transaction with an alien residing in this Kingdom, on account of his not having obtained a Certificate of Nationality, shall be filed with the Clerk of the Supreme Court within two months from the publication of this Act, or the person making the same shall be forever barred from raising such objection.

SECTION 3. This Act shall take effect from and after its passage, and Sections 6 and 7, of Article 1, Chapter 5, Part 1, of the Second Act of Kamehameha III., and all other laws, or parts of laws, in contravention of this Act shall be, and the same are hereby repealed.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ABOLISH THE DISABILITIES OF ALIENS TO ACQUIRE AND CONVEY LANDS IN FEE SIMPLE," PASSED ON THE 10<sup>TH</sup> DAY OF JULY, 1850.

*Approved, June 28th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled.*

SECTION 1. That the last clause of Section 1 of "an Act to abolish the disabilities of aliens to acquire and convey lands in fee simple," which reads as follows, "and further provided that no deed or conveyance of lands in fee simple to an alien, shall be of any validity or effect, unless it contains a clause providing for such submission, forfeiture and escheat," shall be, and the same is hereby repealed.

SECTION 2. Any objection that may be made to the validity of any conveyance on account of the omission to insert therein the proviso contained in Section 1 of that act, shall be filed with the Clerk of the Supreme Court, within two months from the publication of this act, or the person making the same shall be forever barred.

SECTION 3. This Act shall take effect from and after the date of its passage.

## AN ACT

TO AMEND CERTAIN ACTS RELATING TO THE PUNISHMENT AND PREVENTION OF SMUGGLING.

*Approved, June 28th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That, in the Joint Resolution of April 3d, 1846, "to carry into effect the sixth Articles of the Treaties concluded at Honolulu between the governments of France and Great Britain," there shall be substituted for the words "one thousand dollars each," wherever the same may occur, the following: "Not less than fifty and not more than one thousand dollars each, in the discretion of the Court."

SECTION 2. This Act shall become a law from and after the day of its passage.



## AN ACT

TO PROVIDE FOREIGN JURIES IN THE THIRD AND FOURTH JUDICIAL DISTRICTS.

*Approved, June 28th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That, in all cases hereafter to be tried, at any term of the Circuit Courts for the Third or Fourth Judicial Districts of this Kingdom, in which it is necessary or proper to have a Jury composed wholly or in part of foreigners, the presiding Judge of such Circuit Court, for the time being, shall summon, from among the foreigners resident within such District, a sufficient number of persons to act as Jurors in such cases under the same regulations as to pay as foreign Jurors are in the other Judicial Districts.

SECTION 2. This Act shall take effect and become a law from and after the day of its passage.

AN ACT  
FOR THE ENCOURAGEMENT AND SUPPORT OF ENGLISH SCHOOLS FOR HAWAIIAN YOUTH.

*Approved, July 20th, 1854.*

WHEREAS, A knowledge of the English language is very important to the success of the Hawaiian people in the pursuit of wealth, and to their intellectual progress; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The House of Representatives of the Hawaiian Islands shall, biennially, on the third week of their session, elect by ballot two persons for each election district of the Islands, who, with the School Inspector or School Inspectors of the District, shall constitute a Board of School Directors for the encouragement and support of English Schools for Hawaiian youth. The said persons being duly elected, shall hold their offices for the term of two years, or till their successors shall have been duly elected and qualified; and they shall possess the powers and perform the acts hereinafter granted and prescribed.

SECTION 2. The Boards of Directors as aforesaid, shall have power to make their own bye-laws, not in conflict with the laws of this Kingdom, regulating the time and places of their meetings, their choice of officers, the method of conducting their business, to fill all vacancies that may occur in their number, and to locate, establish and control such schools for the instruction of Hawaiian youth in the English language, as may receive the aid of the Government in their support, provided that in all cases, they shall keep regular and permanent records of their proceedings, and make a full report annually through the Minister of Public Instruction to the Legislature at least one month previous to the commencement of each session.

SECTION 3. A majority of each of the said Boards, at any meeting duly notified, shall be necessary to constitute a quorum for business,

and all questions of business shall be decided by a majority of those present.

SECTION 4. It shall be the duty of the several Boards of Directors as aforesaid, and of their individual members, to use their best endeavors to impress upon the minds of the people the importance of a knowledge of the English language to their children, to induce them to provide for them as soon as possible the means of acquiring it, by contributing according to their ability, the means of supporting English Schools of good character among them. All money or property entrusted to the Boards of Directors shall be carefully applied by them to the object aforesaid, and shall be minutely accounted for by them in their annual report with accompanying vouchers.

SECTION 5. The Minister of Public Instruction shall be, *ex officio*, a corresponding member of each of said Boards of Directors, and shall co-operate with them in carrying out the provisions of this Act. It shall be his duty, on receiving from any Board of Directors a certificate that any suitable school-house has been provided in their District and that they have received from responsible parties subscriptions for the support of an English school or schools, to the amount of four hundred dollars per annum or more, to open an account with the said Board of Directors, and to draw upon the Minister of Finance for a sum not exceeding one hundred dollars per quarter for each Representative in Parliament which the District may be entitled to send, and in no case exceeding the amount which has been actually paid in by the private supporters of the school.

SECTION 6. Should the Boards of Directors of two or more adjoining election districts fail after a reasonable effort to obtain the means of supporting a separate English school for the object aforesaid in each of said Districts, it shall be lawful for them to unite on such terms and for such a period as shall be mutually agreed upon by themselves in writing, for the support of at least one school for the several districts which, in that case, for the purposes of this Act, shall be regarded as one district; and it shall be lawful for said Boards of Directors to commit the immediate care and management of such school to such sub-directors, chosen from their own number, as they shall deem proper, who, when duly authorized, shall, for the time being, while said districts are thus united, be the Board with whom

the Minister of Public Instruction shall correspond and co-operate, and who shall be held accountable for the funds of the school committed to their care.

SECTION 7. The Directors contemplated by this Act shall be entitled to no compensation from the Government for their services; but the Minister of Public Instruction shall be authorized to reimburse them for any reasonable expenses actually incurred by them in discharging the duties imposed upon them by this Act.

SECTION 8. At the earliest convenient day after the passage of this act, the House of Representatives for 1854 shall elect by ballot the two persons for each election district, contemplated in the first section of this Act, who shall hold office until the third week of the session of the Legislature of 1856, or till their successors shall have been duly elected and qualified.

SECTION 9. This Act shall take effect from and after the day of its passage.

## AN ACT

TO PROVIDE FOR THE DISSOLUTION OF THE BOARD OF COMMISSIONERS  
TO QUIET LAND TITLES.

*Approved July 20th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Board of Commissioners to quiet land titles shall be dissolved on the last day of March, A. D. 1855; and, until, the 30th day of December of the present year, it shall be lawful for all parties having claims filed before said Board, to present evidence thereon sufficient for their final decision.

SECTION 2. All awards for land claims which may be remaining in the hands of the said Board or its agents, together with all the books and papers belonging to the said Board, at the time of its dissolution shall be delivered into the hands of the Minister of the Interior for safe keeping, by a detailed inventory particularly describing the books and marking all important documents by numbers, of which inventory there shall be two identical copies, one of which shall remain with the Supreme Court, and the other with the Minister of the Interior, whose duty it shall be to deliver the remaining awards to the parties interested, on payment of the costs.

SECTION 3. Any award of the Land Commission not appealed from, within ninety days after its date, in accordance with the present laws, shall be final and binding upon all parties, and shall be a good and sufficient title to the person receiving such award, his heirs and assigns, and shall furnish as good and sufficient a ground upon which to maintain an action for trespass, ejectment or other real action, against any person or persons whatsoever, as if the claimant, his heirs or assigns, had received a Royal Patent for the same; provided that nothing in this section shall be construed as annulling the Government right to commutation in any freehold award as at present established by law.

SECTION 4. All the Land Commissioners are hereby required to

sign all their awards previous to the delivery of the books and papers into the hands of the Minister of the Interior.

SECTION 5. That, the fourth, fifth, and twelfth sections of article fourth, chapter seventh of part first, of the "Act to organize the Executive Departments of the Hawaiian Islands," and all other laws or parts of laws which conflict with the provisions of this Act be, and the same are hereby repealed.

SECTION 6. This Act shall take effect and become a law from and after the date of its passage.

## AN ACT

REPEALING THE ACT AMENDING THE LAW RELATING TO THE KING'S  
CHAMBERLAIN.

*Approved, August 10th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Act of A. D. 1850, amending the law relating to the King's Chamberlain, be and is hereby repealed, and all Acts, and parts of Acts in any way referring to the duties of the King's Chamberlain, be, and the same are hereby repealed. This shall not be so construed, however, as to apply to any appropriation that may be made for that office.

SECTION 2. This Act shall take effect from and after the date of its passage.

AN ACT  
RESPECTING MARRIAGE.

*Approved, August 10th, 1854.*

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. It shall not be lawful for any Minister of religion of any sect whatsoever, or any other person to perform the marriage ceremony within this Kingdom, without first obtaining from the Minister of the Interior, a license to celebrate marriage.

SECTION 2. This Act shall take effect thirty days after publication in the "Polynesian" and "Elele" newspapers, and all laws and parts of laws in conflict with this are hereby repealed.



AN ACT  
FOR THE RELIEF OF CERTAIN KONOHIKIS.

*Approved, August 10<sup>th</sup>, 1854.*

WAEREAS, certain Konohikis who received lands from His Majesty, at the great division of lands, in the year 1848, did, from accidental causes, fail to present their claims to such lands to the board of commissioners to quiet land titles, within the time allowed by law and have, in consequence, been barred, Therefore:

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That any Konohiki who received land from the King, at the division of lands in the year 1848, and who failed, from any cause whatsoever, to present his claim for such land to the board of commissioners to quiet land titles, previous to the 14th day of February, A. D. 1848, may present his claim for such land to the said board of commissioners, at any time previous to the first day of November next ensuing; and the said board of commissioners are hereby authorized to receive, hear, and determine all claims that may be presented to them under the foregoing provisions, in like manner, as if such claims had been presented to them previous to the 14th day of February, A. D., 1848.

SECTION 2. This act shall take effect and become a law from and after the date of its passage.

## AN ACT

RELATING TO THE WATER-LOTS CALLED WAIKAHALULU, MAKAI OF THE  
FORT AT HONOLULU.

*Approved, August 10th, 1854.*

WHEREAS, the improvement of the water-lots, makai of the fort, known as Waikahalulu, is demanded by the wants of the commerce and navigation of the Kingdom; and whereas His Majesty has called the attention of the Nobles and Representatives in his last speech, to this subject so important in his view to the prosperity and business of the Islands; Therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Minister of the Interior is hereby authorized, under the direction, and with the approbation of the King and Privy Council, to improve the water-lots known as Waikahalulu, by causing a retaining wall to be erected at such depth of water seaward, as he may direct, and to fill up the said lots with suitable material, so that warehouses may be safely built thereon, and also to extend from said exterior wall, such wharves as the public wants may require.

SECTION 2. The said Minister of the Interior, in case said improvement is made, shall cause the Fort of Honolulu to be removed, and the material thereof shall be applied to the building of said retaining wall, and to the filling up of said lots.

SECTION 3. The Minister of the Interior is hereby authorized to draw upon the Minister of Finance, for the purpose of improving these water-lots, such sums as may, from year to year, be inserted by the legislature in the appropriation bill, for the improvements mentioned in section first.

SECTION 4. The minister of the Interior is hereby authorised, with the approbation of the King and Privy Council, to lease the above property, or any portion or portions thereof, at public auction; provided, that no such lease shall be made until three months after the same

shall have been advertised in at least two newspapers published in Honolulu, nor until six weeks after the same shall have been advertised in at least two newspapers published in San Francisco; and no sale of the above property shall be made without the previous consent of the Legislature.

SECTION 5. To enable the government to accomplish either of the purposes under the provisions of the preceding sections, the Minister of the Interior, with the approbation of the King and Privy Council, is hereby authorized and directed to adjust all private rights which conflict with the title of the government to the property aforesaid, called Waikahalulu, for a sum not exceeding twenty-two thousand dollars, and obtain the necessary legal conveyances for the same, and the Minister of Finance is hereby authorized to issue exchequer bills to the person or persons specified by the Minister of the Interior, as entitled to the same, and for the amounts specified by him, the whole amount of which shall not exceed twenty-two thousand dollars, as aforesaid, and the same shall be payable at the pleasure of the government with semi-annual interest.

SECTION 6. This act shall take effect on the day of its passage.

AN ACT  
TO MAKE COMPULSORY THE PRACTICE OF VACCINATION THROUGHOUT  
THE HAWAIIAN ISLANDS.

*Approved, August 10th, 1854.*

WHEREAS, the late mortality caused by the Small Pox has shown the necessity of compelling a general and effective vaccination of the subjects of this Kingdom; Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. As soon as may be convenient after the passage of this act, the Minister of the Interior shall appoint four suitable persons as Vaccinating Officers, viz:

One for the Island of Hawaii.

“ “ “ Islands of Maui, Molokai, and Lanai.

“ “ “ Island of Oahu.

“ “ “ Islands of Kauai and Niihau,

who shall receive such salaries as may be provided in the annual appropriation bills.

SECTION 2. Each vaccinating officer shall select, within his respective district, a number of convenient places, not less than three in each school district, for the performance of vaccination; and from time to time give public notice of the day and hour at which he will attend at such places, to vaccinate all persons not already successfully vaccinated, who may then and there appear; and also of the time at which he will attend at such place, to inspect the progress of such vaccination in the persons so vaccinated.

SECTION 3. The father or mother of every child born on the Hawaiian Islands, after the first day of June, 1854, shall, within six calendar months after the birth of such child, or in the event of the death, illness, or absence of the father or mother, then the guardian, nurse or person having charge of the said child, shall, within six months after the birth of said child, or at the earliest opportunity after, take the said

child to the vaccinating officer of the district in which the said child is resident, for the purpose of being vaccinated.

SECTION 4. Upon the eighth day following the day on which any child has been vaccinated, as aforesaid, the father, mother, or the person having charge or custody of the said child shall again take the said child to the vaccinating officer, by whom the operation was performed in order that he may ascertain by inspection, the result of such operation.

SECTION 5. Upon the ascertained successful vaccination of any child the vaccinating officer shall deliver to the father, mother, or person having charge of the said child, a certificate under his hand, that the child has been successfully vaccinated; and shall note the same in a book to be kept by such vaccinating officer for that purpose; for which services the said officer shall not be entitled to demand and receive, from the father, mother, or person having charge or custody of such child, any pay whatsoever.

SECTION 6. On the presentation of a child to be vaccinated, should the vaccinating officer deem the child in an unfit state to be vaccinated, he may postpone the operation to some future time, at his discretion, giving due notice to the parents, or persons having charge or custody of such child, to reproduce it for vaccination at such future time.

SECTION 7. The vaccinating officers appointed under the provisions of this act may be removed from office at any time, by the Minister of the Interior.

SECTION 8. The vaccinating officers shall visit the several stations appointed by them, once in every six months, or oftener if deemed necessary by the Minister of the Interior, and the parent or person having charge or custody of any child which has not been vaccinated who shall neglect to produce such child for vaccination in accordance with the third section of this act, shall be subject to a fine of five dollars, on conviction of such neglect before any Police or District Justice of this Kingdom; one-half of which fine shall be paid to the informer.

SECTION 9. The Minister of the Interior is hereby charged with the duty of carrying out the provisions of this act, and of providing the necessary books and stationery to the vaccinating officers.

## AN ACT

TO EXTEND THE POWERS OF THE POLICE COURTS OF HONOLULU AND LAHAINA.

*Approved, August 10th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That all the powers conferred upon Courts of Record in the Kingdom, by an Act entitled "An Act providing for the arrest of debtors," passed on the 27th day of July A. D. 1852, be, and the same are hereby extended to, and conferred upon the Police Courts of Honolulu and Lahaina, in cases coming within their jurisdiction.

SECTION 2. This Act shall take effect and become a law, from and after the day of its passage.

## AN ACT

TO REDUCE THE DUTY ON ALCOHOL TO BE EMPLOYED FOR MEDICINAL  
AND MECHANICAL PURPOSES.

*Approved, August 16th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the Minister of Finance be and he hereby is authorized to grant to any person applying therefor, a permit to withdraw from the Custom House, on payment of a duty of five per cent. *ad valorem*, pure alcohol in such quantities as he shall deem proper; upon his receiving from the applicant for such permit satisfactory security that the same shall be used only for medicinal or mechanical purposes.

SECTION 2. That the Joint Resolution in relation to the duties imposed 3d of April, 1846, "on the importation of spirituous liquors," passed April 10th, 1846, be amended by striking out the words "in cases appearing to his satisfaction, to exempt them in equity from said imposts," and all acts or parts of acts which conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect from and after the date of its passage.

## AN ACT

FOR THE ABOLITION OF TONNAGE DUES IN THE PORTS OF THE HAWAIIAN ISLANDS.

*Approved, August 16th, 1854.*

**BE IT ENACTED** *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

**SECTION 1.** That after the day on which this act shall take effect, no tonnage dues shall be levied in any port of the Hawaiian Islands, on any vessel whether Hawaiian or Foreign.

**SECTION 2.** This act shall take effect on the 30th day after its passage, and all laws or parts of laws now in force, in contravention of the same, shall be from that date and hereby are repealed.



AN ACT  
TO AUTHORIZE THE EMPLOYMENT OF MAIL CARRIERS IN THE REMOTE  
DISTRICTS OF THE KINGDOM.

*Approved, August 16th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Postmaster of Honolulu is hereby authorized, from and after the day of the passage of this act, to employ mail-carriers between certain points on the several islands as hereinafter mentioned, to wit:—On the island of Hawaii, between Hilo, Waiohinu and Kealakeakua; between Kealakeakua, Kailua and Kawaihae; between Kawaihae and Kohala; between Kawaihae, Waimea, Hamakua and Hilo. On the Island of Maui, between Lahaina, Waikapu, Wailuku, Kahului and Makawao; between Lahaina, Kalepolepo, and Honuaula; between Honuaula and Hana; Makawao and Hana, and between Lahaina and Molokai. On the Island of Oahu, between Honolulu and Hauula *via* Kaneohe, and between Hauula and Honolulu *via* Waialua. On the island of Kauai, between Koloa and Waimea; between Koloa, Nawiliwili and Hanalei.

These mails shall be carried weekly or semi-monthly, as the Post-Master in Honolulu may judge to be most for the public good.

SECTION 2. The sheriffs of the several districts, under the direction of the Marshal, shall designate by name, for the service of mail-carriers, such active and trusty constables as may be required for such service, in their several districts, who shall faithfully carry the mails as directed by the Post-Master or his agents, and shall receive such compensation as shall be agreed upon by the Marshal and such constables as he may appoint, and the Post-Master of Honolulu, to be paid out of the appropriation for Police.

SECTION 3. The Post-Master of Honolulu may appoint agents in the several districts to assist him in carrying out the provisions of this act; provided, trustworthy persons can be found who will contribute their services *gratuitously* to this object.

SECTION 4. This act shall take effect from and after the day of its passage.

## AN ACT

TO REPEAL CERTAIN PRIVILEGES GRANTED TO CLERGYMEN AND OTHERS.

*Approved, August 16th, 1854.*

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. No person is or shall be exempt from the payment of any government tax by reason of his being a clergyman, a Christian missionary, a servant of a missionary, a school inspector, or trustee, or constable.

SECTION 2. All soldiers except those whose names shall be returned by the Commander-in-chief to the Minister of Finance on the first day of October of each year, as having been during some portion of the previous year in actual service, and in receipt of regular monthly pay shall hereafter pay the school tax.

SECTION 3. All acts or parts of acts at variance with the provisions of this act shall be, and the same hereby are repealed.

SECTION 4. This act shall take effect from and after the first day of January, A. D. 1855.

## AN ACT

## TO CREATE A COURT OF PROBATE AND DIVORCE.

*Approved September 8th, 1854.*

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the King and Privy Council, whenever, in their opinion, they may think the public good requires it, are hereby authorized and empowered to appoint and commission a Judge of Probate, who, upon receiving his commission, shall have original jurisdiction, and be invested with all the rights and powers of a Judge of a Court of Record, as provided by the Statutes of the Kingdom, to entertain, hear and determine all questions in relation to the settlement and partition of the estates of deceased persons, when the person deceased was a native subject, and with all the powers and rights of a justice of the Supreme Court, to entertain, hear and determine all petitions for divorce or separation, when the person taking a divorce is a native subject; Provided, always, that any party deeming himself aggrieved by the decision of the said Judge of Probate, may appeal therefrom to the Supreme Court, by giving notice of his intention to appeal within ten days after such decision is made.

SECTION 2. The yearly salary of this Judge shall be two thousand dollars; and the Minister of Finance is hereby authorized to pay the same until the 30th day of June, 1855, unless a new appropriation bill shall have been previously passed.

SECTION 3. This Act shall take effect from and after the day of its passage.

## JOINT RESOLUTION.

BE IT RESOLVED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That the Minister of the Interior be authorized to procure from **some** competent person, an estimate of the probable cost of supplying the town of Honolulu with water from Nuuanu Valley, and lay the same before the Legislature now in session, and the Minister of Finance is hereby authorized to pay, out of any unappropriated money in the Treasury, a sum not exceeding two hundred dollars, to defray the expenses of such estimate.

## JOINT RESOLUTION.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That the charges due the Hawaiian Government by the steamer "Polynesian" for this trip, excepting pilotage, be and the same are hereby remitted.

JOINT RESOLUTION FOR THE RELIEF OF JOHN  
RICORD.

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That any note or notes in the hands of the Minister of Finance against John Ricord, Esq., formerly Attorney-General of this Kingdom, is hereby declared cancelled; and that the Minister of Finance be instructed to return the same to the said John Ricord, together with a certified copy of this resolution.

## JOINT RESOLUTION

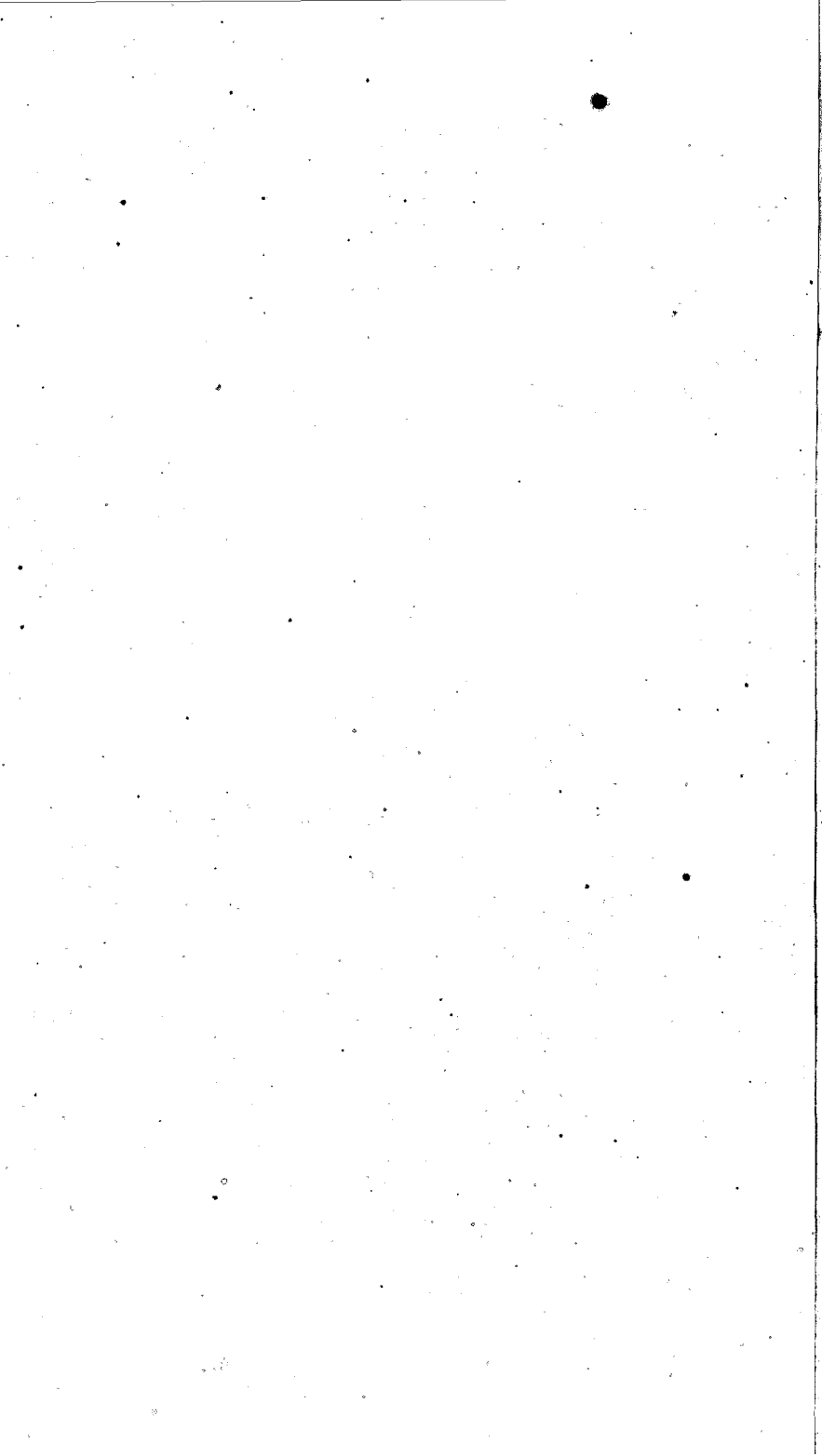
EXTENDING THE TIME ALLOWED TO THE HAWAIIAN STEAM NAVIGATION COMPANY TO FULFIL THE CONDITIONS OF THE 6TH ARTICLE OF THEIR CHARTER.

*Approved August 10th, 1854.*

WHEREAS, The time allowed to the Hawaiian Steam Navigation Company for their second vessel in these waters, is manifestly insufficient for the obtaining of a suitable vessel; therefore,

BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:*

That the time allowed the Hawaiian Steam Navigation Company by the 6th Article of the Charter, to place a second boat in the inter-island trade, be extended to one year from the 19th day of December, 1854.





## AN ACT

TO SEPARATE THE OFFICE OF KUHINA NUI FROM THAT OF MINISTER OF INTERIOR AFFAIRS.

*Approved, January 6th 1855.*

WHEREAS, the Kuhina Nui is invested by the Constitution with extraordinary powers, and whereas the public exigencies may require his release from the labor and responsibilities of the office of Minister of Interior Affairs, now by law imposed upon him, Therefore; BE IT ENACTED *by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That so much of Section 2d of the Act entitled "an Act to organize the executive Ministry of the Hawaiian Islands," as declares that "the Premier shall be Minister of Interior Affairs," is hereby repealed.

SECTION 2. This Act shall take effect on the day of its passage.

# INDEX.

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ACT,	SECTION.	PAGE.
Relating to the School Committee of Honolulu		3
To provide for the special election of the School Committee of Honolulu		4
Appropriating money for the Legislature of 1854		5
For the relief of His Majesty and the members of the Privy Council		6
For the relief of the Minister of Finance		7
Confirming the grant of a charter to the Hawaiian Steam Navigation Co.		8
To regulate the retailing of Intoxicating drinks in the City of Honolulu		12
To remedy the evils resulting from the disqualifications of Magistrates		13
To remove all disabilities of aliens by reason of not obtaining Certificates of Nationality		14
To amend an act entitled "an act to abolish the disabilities of aliens to acquire and convey lands in Fee simple"		15
To amend certain acts relating to the punishment and prevention of Smuggling		16
To provide Foreign Juries in the third and fourth Judicial Districts		17
For the encouragement and support of English Schools for Hawaiian youth		18
To provide for the dissolution of the Land Commission		21
Repealing the act amending the law relating to the King's Chamberlain		23
Respecting Marriage.		24
For the relief of certain Konohikis		25
Relating to the Water Lots called Wai-kahalulu makai of the Fort at Honolulu		26
To make compulsory the practice of vaccination throughout the Kingdom		28

ACT,	SEC.	PAGE.
To extend the power of Police courts of Honolulu and Lahaina		30
To reduce the duty on alcohol to be employed for medicinal and mechanical purposes		31
For the abolition of tonnage dues in the Ports of the Hawaiian Islands		32
To authorize the employment of Mail Carriers		33
To repeal certain privileges granted to Clergymen and others		34
To create a Court of Probate and Divorce		35
Joint Resolution respecting water-works		36
Joint Resolution relating to the Steamer Polynesian		37
Joint Resolution for the relief of John Ricord		38
Joint Resolution relating to the H. S. Navigation Company		39
Concerning the Kuhina Nui		41
<b>ALCOHOL,</b>		
Duty on, reduced when employed for medicinal or mechanical purposes		31
<b>ALIENS,</b>		
Act to remove disabilities of, by reason of their not obtaining Certificates of Nationality		14
Act to amend an act entitled "an act to abolish the disabilities of, to acquire and convey lands in Fee Simple		15
<b>BOARD OF LAND COMMISSIONERS,</b>		
Act to provide for the dissolution of		21
To receive claims of certain Konohikis		25
<b>CERTIFICATES OF NATIONALITY,</b>		
Abolished	3	14
<b>CHAMBERLAIN OF THE KING,</b>		
Act relating to		23
<b>CIRCUIT COURT OF 3d AND 4th DISTRICTS</b>		
May summon Foreign Juries		17
<b>CLERGYMEN,</b>		
Not exempt from taxation	1	34
<b>CONSTABLES,</b>		
Not exempt from taxation	1	34
<b>COURT</b>		
Of Probate and Divorce created	1	35

	SEC.	PAGE.
<b>DEBTORS,</b>		
Act providing for arrest of, extended to Police Courts		30
<b>ENGLISH SCHOOLS,</b>		
Act for the encouragement and support of		18
<b>HAWAIIAN STEAM NAVIGATION CO.,</b>		
Act to confirm charter of		8
Privileges of		9
Vessels of, to be registered under the Ha- waiian Flag	5	9
Vessels of, may be pressed into the Gov- ernment service	7	10
To carry persons on official business of the Government free of charge	9	10
To carry the Mails	10	10
Rates of freight and passage, tugging and towing, may be revised by the Supreme Court	11 12	10
Privileges of, may be abridged or declared forfeit for non-fulfilment of their obliga- tions	13	10
Joint Resolution extending time for fulfil- ing 6th Art. of Charter		39
<b>HOUSE OF REPRESENTATIVES,</b>		
To elect two inspectors of English Schools in each election District	1	18
<b>INTOXICATING DRINKS,</b>		
Act to regulate the retailing of		12
<b>JOHN RICORD,</b>		
Joint Resolution for the relief of		38
<b>JUDGE OF PROBATE,</b>		
His appointment	1	35
His salary	2	35
<b>JURIES,</b>		
Foreign, provided for in the 3d and 4th Judicial Districts		17
<b>KING, The,</b>		
Act to relieve him and the Privy Council from responsibility on account of mon- ey raised during the prevalence of small Pox		6
Chamberlain of, Act relating to		23

	SEC.	PAGE.
<b>KONOHIKIS,</b>		
Act for the relief of certain		25
<b>LEGISLATURE of 1854,</b>		
Appropriation of money for	1	5
<b>MAGISTRATES,</b>		
Act to remedy the evils resulting from the disqualifications of		13
<b>MAIL CARRIERS,</b>		
May be employed in the remote Districts of the Kingdom	1	33
<b>MAILS,</b>		
Inter-Island, to be carried by the Steam- ers of the H. S. Navigation Co.	10	10
<b>MARRIAGE,</b>		
Act respecting		24
<b>MARSHAL,</b>		
To designate constables for Mail Carriers	2	33
<b>MINISTER OF PUBLIC INSTRUCTION,</b>		
To be a corresponding member of the Boards of Directors of English Schools		19
<b>MINISTER OF FINANCE,</b>		
Authorized to make a special payment to School Committee of Honolulu		3
To set apart money for the Legislature of 1854	1	5
To pay the notes of the King and Council negotiated during the prevalence of the Small Pox	1	6
Act for the relief of, on account of extra- ordinary credit to the War Department		7
To issue Exchequer Bills to private claim- ants on Waikahalulu	5	27
To grant permits to withdraw Alcohol from the Custom House to be used for cer- tain purposes	1	31
<b>MINISTER OF THE INTERIOR,</b>		
To grant Licences to retail spirituous liq- uors	1	12
Books and papers of the Land Commision- ers to be delivered to	1	21
To grant licences to marry	1	24
To improve Water Lots at Waikahalulu	1	26
May remove Fort at Honolulu	2	26
May lease Water Lots	4	26
To adjust private claims on Waikahalulu	5	27
To appoint vaccinating officers	1	28

	SEC.	PAGE.
To procure estimates for supplying Honolulu with water		36
<b>POLICE COURTS,</b>		
Of Honolulu and Lahaina, Act to extend the powers of, for the arrest of debtors		30
<b>POST-MASTER,</b>		
Of Honolulu, may employ Mail Carriers	1	33
May appoint agents	3	33
<b>POLYNESIAN, STEAMER,</b>		
Port charges of, remitted		37
<b>PROBATE AND DIVORCE,</b>		
Court of created	1	35
Judge of, his salary	2	35
<b>SCHOOLS, ENGLISH,</b>		
Act for the encouragement and support of		18
<b>SCHOOL COMMITTEE OF HONOLULU,</b>		
Act respecting		3
Act to provide for the special election of		4
Election of, by whom to be holden	1	4
Powers and duties of	2	4
<b>SCHOOL INSPECTORS,</b>		
And Trustees, made liable to taxation	1	34
<b>SMUGGLING,</b>		
Act to amend the Law relating to punishment of		16
<b>SOLDIERS,</b>		
Made liable to taxation, with certain exceptions	2	34
<b>SPIRITUOUS LIQUORS,</b>		
Act to regulate the retailing of		12
<b>SUPREME COURT,</b>		
Powers of in relation to the H. S. Navigation Company's Charter		10
Inventory of Books and papers of the Land Commission to be filed with	1	21
<b>TONNAGE DUES,</b>		
Abolished	1	32
<b>VACCINATION,</b>		
Made compulsory throughout the H. I.		28
<b>VACCINATING OFFICERS,</b>		
By whom appointed		28
General duties of		28 29
<b>WAIKAHALULU,</b>		
Act relating to Water Lots at		26